

REMARKS

A. Background

Claims 1-31 were pending in the application at the time of the Office Action. Claims 1-31 were rejected as being anticipated and/or obvious over cited prior art. By this response applicant has amended claims 1, 2, 6, 8, 10-15, 19, 21-25, 28, 29 and 31, and cancelled claims 7, 20, 26, 27 and 30. As such, claims 1-6, 8-19, 21-25, 28-29 and 31 are presented for the Examiner's consideration in light of the following remarks.

For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action. Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. In addition, Applicants request that the Examiner carefully review any references discussed below to ensure that Applicants understanding and discussion of the references, if any, is consistent with the Examiner's understanding.

B. Proposed Amendments

1. Specification

Applicant has amended various paragraphs in the specification to correct typographical or grammatical errors. Applicant respectfully submits that such amendments do not add new matter and requests that the amendments to the specification be entered.

2. Claims

By this response, Applicant has cancelled claims 7, 20, 26, 27 and 30. Applicant has amended claim 1 to incorporate at least some of the limitations of claim 7, amended claim 14 to incorporate at least some of the limitations of claim 20, and amended claim 29 to incorporate at least some of the limitations of claim 30. Applicant has further amended claims 1, 2, 6, 8, 10-15, 19, 21-25, 28, 29 and 31 to clarify the invention as recited therein. In view of the foregoing discussion, applicant submits that the amendments to the claims do not introduce new matter and entry thereof is respectfully requested.

C. Rejection on the Merits

Paragraph 6 of the Office Action rejected claims 1-4, 7-10, 12-17, 20-23, 25, 27-31 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,928,325 to Shaughnessy. Applicant notes that claims 7, 20, 27 and 30 have been cancelled and thus the anticipation rejection with respect to these claims is rendered moot.

Shaughnessy teaches

intelligently coupling a central agent to a plurality of communication networks. The central agent, in response to a detected incoming message, identifies (i) a message recipient for whom the incoming message is destined, (ii) the known user devices associated with that recipient, and (iii) the networks servicing the identified user devices. The agent then polls all identified networks to determine which have user devices available right now and selects one or more of those to receive a message. The incoming message is then modified and transformed, in accordance with predetermined action rules, before transmitting the incoming message, in whole or in part, to the available user devices.

‘325 patent, col. 3, ll. 24-36. Specifically, with regard to Figure 2, after the central agent identifies the networks available to the recipient, Shaughnessy teaches:

the central agent, on the basis of predetermined user-device select rules, selects one or more available recipient user devices to which to send a message transmit. The user-device select rules may involve a simple table-look up operation, or may involve a decisional operation based, for example, on such factors as the format type of message originally received by the central agent 15, the source of the message, and/or the usefulness of sending one type of message to a particular wireless user device (e.g., probably not useful to send a digital image as voice transmission to a cellular phone, if such were possible) (250-270).

'325 patent, col. 5, ll. 17-28. Thus, Shaughnessy teaches that the decision as to which of the user devices is to receive a message can be based on select system based rules and identifies various types of select system based rules as a table look up, the format type of the message, the source of the message, or the usefulness of sending a message to a particular device. However, after determining the availability of the messaging systems associated with a recipient, none of the methods of Shaughnessy reference disclose or suggests the ability of the "recipient" or user to select a preferred address where the message is sent. That is, in the present invention, the recipient is able to selectively define a particular messaging system as "available" in addition to the system being able to determine other available messaging systems.

Thus, Shaughnessy does not teach "storing addresses for said recipient, at least one address being selectively identified by said recipient as a preferred address for communication with said recipient . . . interpreting said recipient availability information so as to determine in which of said messaging systems said recipient is currently available, wherein said recipient is considered to be available in at least said messaging system associated with said preferred address . . . and sending said message to said recipient via at least said messaging system associated with said preferred address" as recited in independent claims 1 and 29. Similarly, Shaughnessy does not teach "memory means for storing addresses for said recipient, at least one address being selectively identified by said recipient as a preferred address for communication with said recipient . . . second processing means

for interpreting said recipient availability information so as to determine in which of said messaging systems said recipient is currently available, wherein said recipient is considered to be available in at least said messaging system associated with said preferred address . . . and said first interface means are arranged to send said message to said recipient via at least said messaging system associated with said preferred address” as recited in independent claim 14. Because these limitations are not taught in the Shaughnessy reference, Applicant respectfully requests that the anticipation rejection with respect to independent claims 1, 14 and 29 be withdrawn.

Claims 2-4, 8-10, 12-17, 21-23, 25, 28, 29 and 31 depend from claims 1, 14 and/or 29 and thus incorporate the limitations thereof. As such, applicant submits that claims 2-6, 8-19, 21-25, 28, 29 and 31 are distinguished over the cited prior art for at least the same reasons as discussed above with regard to claims 1, 14 and/or 29. As such, Applicant respectfully requests that the anticipation rejection with respect to these claims be withdrawn.

Paragraph 7 of the Office Action rejected claims 5 and 18 under 35 U.S.C. § 103(a) as being unpatentable over the Shaughnessy patent in view of U.S. Patent No. 5,901,359 to Malmstrom. Claims 5 and 18 depend from claims 1 and 14, respectively, and thus incorporate the limitations thereof. As such, applicant submits that claims 5 and 18 are distinguished over the cited prior art for at least the same reasons as discussed above with regard to claims 1 and 14. As such, Applicant respectfully requests that the obviousness rejection with respect to claims 5 and 18 be withdrawn.

Paragraph 8 of the Office Action rejected claims 6, 11, 19, 24 and 26 under 35 USC § 103(a) as being unpatentable over the Shaughnessy patent in view of U.S. Patent No. 6,018,657 to Kennedy. Claim 26 has been cancelled and thus the obviousness rejection with respect to this claim is rendered moot. Claims 6, 11, 19 and 24 depend from claims 1 and/or 14, respectively, and thus incorporate the limitations thereof. As such, applicant submits that claims 6, 11, 19 and 24 are

distinguished over the cited prior art for at least the same reasons as discussed above with regard to claims 1 and/or 14. As such, Applicant respectfully requests that the obviousness rejection with respect to claims 6, 11, 19 and 24 be withdrawn.

No other objections or rejections were presented in the Office Action.

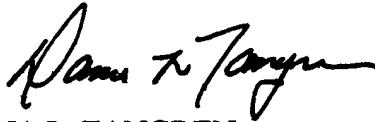
D. Conclusion

In view of the foregoing, applicant respectfully requests the Examiner's reconsideration and allowance of claims 1-6, 8-19, 21-25, 28-29 and 31 as amended and presented herein.

In the event there remains any impediment to allowance of the claims which could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate such an interview with the undersigned.

Dated this 11 day of November 2004.

Respectfully submitted,



DANA L. TANGREN
Attorney for Applicant
Registration No. 37,246
Customer No. 022913
Telephone No. 801.533.9800

DLT:dfw

W:\15292\6\DFW0000012097V001.DOC